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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/902,111	07/11/2001	Hideaki Hijishiri	0905-0263P-SP	8200
2292	7590	05/20/2004	EXAMINER	
BIRCH STEWART KOLASCH & BIRCH PO BOX 747 FALLS CHURCH, VA 22040-0747			TRAN, NHAN T	
			ART UNIT	PAPER NUMBER
			2615	

DATE MAILED: 05/20/2004

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Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

09/902,111

Applicant(s)

HIJISHIRI ET AL.

Examiner

Nhan T. Tran

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 March 2004.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-4, 7 and 9 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-4 and 7 is/are rejected.
- 7) ☒ Claim(s) 9 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

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## DETAILED ACTION

### *Response to Arguments*

1. Applicant's arguments with respect to claims 1-4, 7 have been considered but are moot in view of the new ground of rejection.

### *Claim Rejections - 35 USC § 103*

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1-4 & 7 are rejected under 35 U.S.C. 103(a) as being unpatentable over Doron (US 6,559,888) in view of Kaji (US 5,838,370).

Regarding claim 1, Doron discloses an image sensing system (Figs. 1 & 2) comprising:  
an image sensing unit (15) for sensing an image of a subject and outputting image data representing the image of the subject;

a volatile memory (internal memory storage 84 which inherently includes a working memory to buffer image data for displaying and/or processing) for temporarily storing the image data output from the image sensing unit; a first display controller (micro-processor 25) for controlling a display unit (LCD unit 38) in such a manner that the image of the subject

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represented by the image data that has been stored in the volatile memory is displayed on a display screen;

a recording controller (micro-processor 25, card reader 52) for recording, on a recording medium (removable memory card 54), image data output from the image sensing device, representing an image within a zoom area (cropped image data corresponding to a subset of image pixels), wherein the recording controller records image data without interpolation processing (see col. 8, lines 28-55).

It should be noted that an interpolation processing may be performed to magnify the subset of image pixels for displaying on the LCD screen, but the interpolation processing is **ignored** during recording the zoomed image data onto the removable memory card since **only a subset of image pixels are recorded** implying that the zoomed image data is not interpolated to a full resolution for recording.

Although Doron teaches zoom switches 30 and 32 (col. 8, lines 39-55), Doron fails to explicitly teach a zoom-area designating unit for designating a zoom area in the image of the subject being displayed on the displayed screen.

Kaji teaches a zoom-area designating unit (10) to allow the user to input an enlargement position in an image frame being displayed on a display screen (see Fig. 5 and col. 4, lines 22-33). Therefore, it would have been obvious to one of ordinary skill in the art to enhance the digital camera in Doron by modifying the zoom feature to include a zoom-area designating unit as an additional zoom mode to allow the user to select any specific area within an image frame for recording and enlarging so as only a desired object within an image frame would be recorded without recording the whole image frame in an efficient recording scheme.

Regarding claim 2, the combination of Doron and Kaji also discloses a second display controller for controlling the display unit in such a manner that an image within the zoom area designated by the zoom-area designating unit is displayed on the display unit (see Kaji, Figs. 3A & B, col. 5, lines 40-44).

Regarding claim 3, see the Examiner's analysis in claims 1 & 2.

Regarding claim 4, Kaji further discloses a brightness determination unit (exposure control 19) for determining whether the image within the zoom area designated by the zoom area designating unit has suitable brightness; and brightness adjustment unit, responsive to the determination by unit that that the image within the zoom area does not suitable brightness, for adjusting luminance level of the image within the zoom area in such a manner that the image within the zoom area takes on a suitable brightness (see col. 6, line 55 – col. 7, line 14, wherein the brightness or luminance level of the zoom area is properly adjusted as needed by controlling exposure level of the image pickup device 2).

Regarding claim 7, see the Examiner's analysis in claim 1.

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*Allowable Subject Matter*

3. Claim 9 is objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

The following is a statement of reasons for the indication of allowable subject matter: The prior art of record fails to teach or fairly suggest the limitations of an image sensing control unit for controlling the image sensing unit so as to output image data representing an image within an area which is smaller than a frame of image represented by the image data outputted from the image sensing unit, and which area is bigger than the zoom area designated by the zoom-area designating unit.

*Conclusion*

4. Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37

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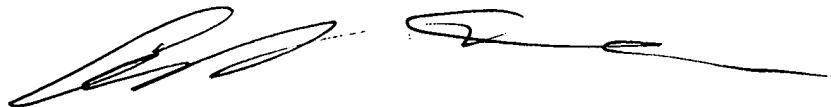
CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nhan T. Tran whose telephone number is (703) 605-4246. The examiner can normally be reached on Monday - Thursday, 8:00am - 6:00pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew B Christensen can be reached on (703) 308-9644. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

NT.



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